

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHERYL JAMESON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security Administration,

Defendant.

CASE NO. C10-5072BHS

REPORT AND RECOMMENDATION

Noted for October 22, 2010

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4) and as authorized by Mathews, secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This case is before the court on plaintiff's failure to respond to the court's order (Doc. 16) directing plaintiff to file an opening brief. After carefully reviewing the record, the undersigned recommends that the case be dismissed for lack of prosecution.

Plaintiff, Cheryl Jameson, resides in Longview, Washington. On or about February 3, 2009, plaintiff submitted, with assistance of an attorney, a civil complaint, alleging the Social Security Administration failed to properly consider her applications for social security benefits.

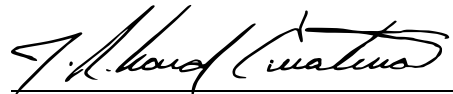
1 On April 14, 2010, the undersigned reviewed the record, and a briefing schedule was  
2 issued. Doc. 7. Plaintiff's opening brief was due no later than May 12, 2010. Id. The court has  
3 subsequently granted three stipulated motions presented by plaintiff to extend the time for her to  
4 file the opening brief. Docs. 9, 11, & 15.

5 Despite the three extensions of time, and at least two telephone inquiries from the court to  
6 plaintiff's attorney's office to determine the status of the case, an opening brief has not been  
7 filed.  
8

### 9 CONCLUSION

10 Based on the foregoing and in accordance with Local General Rule GR3, the Court  
11 should dismiss this matter for lack of prosecution. Pursuant to 28 U.S.C. § 636(b)(1) and Rule  
12 72(b) of the Federal rules of Civil Procedure, the parties shall have fourteen (14) days from  
13 service of this Report to file written objections. See also Fed. R. Civ. P. 6. Failure to file  
14 objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474  
15 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to  
16 set the matter for consideration on October 22, 2010, as noted in the caption.  
17

18 DATED this 29th day of September, 2010.  
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22 J. Richard Creatura  
23 United States Magistrate Judge  
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